

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1-8, 10-46, 48 and 49 are pending. No claims have been canceled. No claims have been added. Claims 1, 5-7, 30, and 40 have been amended.

Applicants reserve all rights with respect to the applicability of the Doctrine of Equivalents.

Claim 30 has been amended to better define the invention.

CLAIM REJECTIONS

Claims 40-46 and 48 were rejected as being vague and indefinite since claim 40 recites only a single means. Accordingly, applicants have amended claim 40 recite a receiver and a transmitter. Claims 41-46 and 48 depend, directly or indirectly, from claim 40. It is respectfully submitted that the amendment has overcome the rejections.

Claims 1-7, 10-18, 20-28, 30-38 and 49 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,678,264 of Gibson ("Gibson").

Claim 1 as amended states that "the credit value is **reset** in response to a predetermined event" (Claim 1, line 7; emphasis added). In contrast, Gibson fails to disclose at least the above limitation. Gibson merely discloses a communication network in which paths between two end points have measures of preference. The Office Action analogized the measure of preference to be the credit value in claim 1. However, Gibson does not disclose, suggest, or imply *resetting* the measure of preference in response to a predetermined event. Therefore, Gibson fails to anticipate claim 1 for at least this reason. Applicant respectfully submits that the rejection has been overcome.

Claims 2-7 depend, directly or indirectly, from claim 1. Thus, having additional limitations, claims 2-7 are not anticipated by Gibson. Applicants respectfully submit that the rejections have been overcome.

Claim 10 refers to “producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link.” In contrast, Gibson fails to disclose at least the above limitation. Gibson merely discloses the measures of preference, which the Office Action analogized to be the credit value, are determined on the basis of traffic levels in the network, length of path, and available capacities (Gibson, col. 5, ln. 39-41). Gibson fails to disclose “producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link.” Thus, Gibson fails to anticipate claim 10 for at least this reason. Applicants respectfully submit that the rejections have been overcome.

Claims 20, 30, and 49 are not anticipated by Gibson for at least the reason discussed above with respect to claim 10. Applicants respectfully submit that the rejections have been overcome.

Claims 11-18, 21-28, and 31-38 depend, directly or indirectly, from claims 10, 20, and 30. Thus, having additional limitations, claims 11-18, 21-28, and 31-38 are not anticipated by Gibson for at least the reason discussed above with respect to claims 10, 20, and 30. Applicants respectfully submit that the rejections have been overcome.

Claims 8, 19, 29, 39-46, and 48 were rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,678,264 in view of U.S. Patent No. 6,493,317 of Ma (“Ma”). Note that Applicant reserves the right to disqualify Ma as prior art under 35 U.S.C. § 103(c).

Claim 8 sets forth that a data frame is sent over the link that has a slower speed of data transmission if two links have the same credit value. As noted in the Office Action, Gibson does not disclose that a data frame is sent over the link that has a slower speed of data transmission if two links have the same credit value.

However, the Office Action asserted that the above noted limitation is well known in the art and alleged that Ma discloses such a limitation. Applicant respectfully disagrees with the assertion and further submits that Ma did not disclose such a limitation as alleged. According to Ma, guaranteed (high priority) traffic is discouraged from using links that are already loaded with best effort (low priority) traffic (Ma, col. 3, ln. 32-41; col. 8, ln. 44-49). Ma does not disclose, suggest, or imply that the links that are already loaded with best effort (low priority) traffic have a slower speed of data transmission. Moreover, the term “low priority” in Ma refers to classification of data traffic, not the speed of data transmission of a link. Therefore, Ma does not teach that a data frame is sent over the link that has a slower speed of data transmission if two links have the same credit value.

Since neither Gibson nor Ma, alone or in combination, teaches that a data frame is sent over the link that has a slower speed of data transmission if two links have the same credit value, claim 8 is patentable over Gibson in view of Ma for at least this reason. Applicants respectfully submit that the rejection has been overcome.

Claims 19, 29, 39, and 40 are patentable over Gibson in view of Ma for at least the reason discussed above with respect to claim 8. Applicants respectfully submit that the rejection has been overcome.

Claims 41-46 and 48 depend, directly or indirectly, from claim 40. Thus, having additional limitations, claims 41-46 and 48 are patentable over Gibson in view of Ma.

Applicants respectfully submit that the rejection has been overcome.

CONCLUSION


Applicants respectfully submit that the rejections have been overcome, and that the pending claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the pending claims be allowed.

Pursuant to 37 C.F.R. 1.136(a)(3), applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 2/27, 2006


Chui-kiu Teresa Wong
Attorney for Applicants
Reg. No. 48,042

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300